

SARRESH et al
Serial No. 10/045,024

Atty Dkt: 2380-442
Art Unit: 2681

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Cancel claims 15 – 16 and 35 – 39 without prejudice or disclaimer.
3. Amend independent claim 1, thereby rendering claims 1 – 14 allowable.
4. Amend independent claim 17, thereby rendering claims 17 – 25 allowable.
5. Amend independent claim 26, thereby rendering claims 27 – 31 allowable.
6. Rewrite claim 32 as an independent claim, rendering claims 32 – 34 allowable.
7. Add new independent claim 44, and make claims 40 – 43 ultimately dependent upon new independent claim 44.
8. Add new independent claim 45 new dependent claims 46 – 49 dependent thereon.
9. Respectfully traverse all prior art rejections.
10. Advise the Examiner of the simultaneous filing of a Petition to Extend.

B. PATENTABILITY OF THE CLAIMS

Claims 1-5, 9, 11, 15-18, 24, 26, 27, 30, 35-38 and 40-42 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,327,299 to Meszko. Claims 10, 25, 31, 39 and 43 stand rejected under 35 USC §103(a) as being unpatentable over U.S.

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Patent 6,327,299 to Meszko in view of U.S. Publication 2001/0024466 to Schilling et al.
All prior art rejections are respectfully traversed for at least the following reasons.

Independent claims 1, 17, and 26 have been amended to refer to an uplink radio link signal. As such, independent claims 1, 17, and 26 require the obtaining, respectively from two diversity antennas for a cell/carrier utilized in a sector served by the base station, of two branches of an uplink radio link signal; and, the routing the two branches of the radio link signal through two respective branches of signal processing hardware subsequent to receipt of the two branches of the uplink radio link signal from the respective two diversity antennas.

By contrast, U.S. Patent 6,327,299 to Meszko only describes downlink operations, e.g., Meszko's signal quality measurer 70 is used to measure only signals broadcast from antennas 60 and 62. Meszko does not teach or suggest any delay compensation for uplink radio signals.

As such, the following are deemed allowable: independent claim 1 and claims 2 – 14 dependent thereon; independent claim 17 and claims 18 – 25 dependent thereon; independent claim 26 and claims 27 – 31 dependent thereon

Claim 32, indicated as including allowable subject matter, has been rewritten as an independent claim. Therefore, independent claim 32 and claims 33 – 34 dependent thereon are deemed allowable.

New independent apparatus claim 44 and new independent method claim 45 have been added as further directed to a fourth embodiment of the disclosure. New independent claims 44 and 45 specify that the test user equipment unit measures a delay difference between the two branches of the radio link signal and transmits a report of the

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delay difference over an air interface to the base station. Support for the new independent claims 44 and 45 resides (for example) in Fig. 15 and specification descriptions thereof, including but not limited to the paragraph bridging pages 32 and 33 of the specification.

The new claims 44 and 45 patentably define over U.S. Patent 6,327,299 to Meszko. Meszko's signal quality measurer 70 is not a user equipment unit, since measurer 70 only analyzes signals for determining delay and does not use transmitted data in the manner of a user equipment unit (UE). Even the display 96 appears to be provided for displaying the signals for controlling delay circuits 50 and 52. *See*, col. 5, lines 35 – 39. Moreover, Meszko communicates delay values to delay circuits 50, 52 over hardwire, not over an air interface. Therefore, new apparatus independent claim 44 and claims 40 – 43 are deemed allowable, as well as new method independent claim 45 and claims 46 – 49 dependent thereon (new dependent claims 46 – 49 essentially corresponding to claims 40 – 43).

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.


Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

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Respectfully submitted,

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